

## **9. AGENCY AND PUBLIC COORDINATION**

Consideration of the views and information provided by interested persons promotes open communication and enables better decision-making. Agencies, organizations, and members of the public with a potential interest in the proposed action were urged to participate in the decision-making process. Public involvement and agency coordination were integrated into each stage of project development. Consultation and coordination are ongoing.

Public participation and agency coordination is used in the National Environmental Policy Act (NEPA) process to collect project information from private citizens, public interest groups, and government agencies to improve the quality of the environmental decision-making as part of the project (Canter 1996). The Council of Environmental Quality (CEQ) regulations [Title 40 Code of Federal Regulations (CFR), Chapter V, Part 1506.6] and U.S. Army Corps of Engineers (USACE) Regulatory Program regulations for the implementation of NEPA (33 CFR 325 Appendix B) stipulate the incorporation of public participation into multiple phases of the environmental impact statement (EIS) process, including project scoping and the review of the recommended plan in the Draft Environmental Impact Statement (DEIS). Components of the public involvement program, as defined in 40 CFR, at a minimum include:

- Making diligent efforts to involve the public in preparing and implementing NEPA procedures;
- Providing public notice of hearings, public meetings, and the availability of environmental documents;
- Holding or sponsoring public hearings or public meetings whenever appropriate;
- Soliciting appropriate information from the public;
- Explaining where interested persons can obtain information, including status reports and other elements of the NEPA process; and
- Providing NEPA documents to the public as stated in the Freedom of Information Act.

The stages of the proposed Masonville Dredged Material Containment Facility (DMCF) project development are: 1) site screening and evaluation 2) additional studies to define existing conditions, 3) presentation of project to the Joint Evaluation Committee (JE), 4) public scoping meetings, 5) alternatives comparison and mitigation identification, 6) recommended plan development, 7) impact evaluation and DEIS preparation, 8) joint permit application, 9) public hearings and responding to comments on the DEIS, and 10) preparing the Final Environmental Impact Statement (FEIS), and 11) completing the Record of Decision (ROD).

Public and agency coordination throughout the proposed Masonville DMCF project are discussed in more detail in the following sections. All agency correspondence received to date is included in Appendix O and all public coordination activities are included in Appendix P. Comments and Responses on the DEIS are available in Appendix Q.

## **9.1 PUBLIC PARTICIPANTS**

### **9.1.1 General Groups**

The public involved in the proposed Masonville DMCF study included a diverse group of organizations and individuals, ranging from large government agencies to local citizens living in the vicinity of the proposed DMCF. Participants varied in their degree and type of involvement with the project, as well as differences in their backgrounds and perspectives. Participants belonged to five identifiable groups: agency representatives, local government, defined groups, educational institutions, and private citizens. Identification of these five groups allowed public meeting content to be targeted to a specific audience and ensured proper coordination and communication between the Maryland Port Administration (MPA), USACE – Baltimore District, and the public.

#### **9.1.1.1 Agency Representatives**

Agency representatives have been involved with Harbor placement site identification and screening and are expected to maintain an active role throughout the life of the project. This group was included in an ongoing collaborative process with the project team. Representatives from the Maryland Department of Natural Resources (DNR), MPA, National Oceanic and Atmospheric Administration – National Marine Fisheries Service (NOAA-NMFS), Maryland Environmental Service (MES), U.S. Fish and Wildlife Service (USFWS), Maryland Geological Survey (MGS), Maryland Department of the Environment (MDE), U.S. Geological Survey (USGS), U.S. Environmental Protection Agency (USEPA), and State Historic Preservation Office (SHPO) were some of the those consulted during this process.

#### **9.1.1.2 Local Government**

This group includes representatives from Baltimore City, Baltimore County, and Anne Arundel County.

#### **9.1.1.3 Defined Groups**

Defined groups were actively involved in the public involvement program. This group was primarily comprised of representatives from the Harbor Team, Citizens' Advisory Committee, Bay Enhancement Working Group (BEWG), charter boat captains, and Maryland Saltwater Sportfishermen's Association.

#### **9.1.1.4 Educational Institutions**

Educational institutions are universities conducting research on the project. The University of Maryland Center for Environmental Science has been involved with the proposed Masonville DMCF project.

### **9.1.1.5 Private Citizens**

Private citizens followed the study progress by attending public meetings, were kept informed about the project status, and provided comments when necessary. This group was comprised of local residents from Baltimore City, Baltimore County, and Anne Arundel County.

### **9.1.2 Involved Project Groups**

Several groups have been involved with the proposed Masonville DMCF study since the project initiation, mainly the Dredged Material Management Program (DMMP) groups and the Harbor Team (discussed in detail in Section 9.2). The goals, responsibilities and team members of the DMMP are discussed in more detail in the following paragraphs.

The State DMMP is a comprehensive process used to establish long-term dredging placement plans and identify potential new placement sites. The State of Maryland DMMP relies on input from a variety of stakeholders including citizens and environmental groups, and State and Federal agencies. Stakeholders are organized into three committees – the Executive Committee, the Management Committee, and the Citizens’ Advisory Committee – and are supported by several working groups, including the BEWG and the Harbor Team, that are tasked with identifying, studying, reviewing, and prioritizing potential dredged material placement sites from technical and community perspectives.

The State of Maryland’s DMMP is an on-going process that continuously reevaluates dredging options in response to changes in the short-term and long-term dredging requirements. Over 100 individuals are included in the committee structure. The purpose of the State DMMP is to establish long-term dredging placement plans and to identify potential new sites. Every proposed placement option must proceed through a series of in-depth conceptual, pre-feasibility and State feasibility-level studies, which examine a wide range of characteristics that include environmental conditions, coastal engineering, dredging engineering, geotechnical engineering, and social effects.

The Citizens’ Advisory Committee regularly holds meetings at the MPA in Baltimore, MD. This Committee met on the following dates and discussed either Baltimore Harbor options or Masonville:

- May 16, 2001
- September 5, 2001
- January 9, 2002
- May 8, 2002
- July 10, 2002
- September 25, 2002
- November 13, 2002
- February 12, 2003
- August 13, 2003
- October 8, 2003
- December 10, 2003
- February 11, 2004
- April 14, 2004
- June 9, 2004
- August 11, 2004
- December 2, 2004
- January 12, 2005
- March 9, 2005
- May 11, 2005
- July 13, 2005
- November 22, 2005
- January 26, 2006
- March 15, 2006
- May 11, 2006

- July 12, 2006
- September 13, 2006
- November 15, 2006
- January 10, 2007
- March 14, 2007

Fran Taylor, chair of the CAC, made a statement at the Public Hearing on June 21, 2006 indicating that the CAC endorses the proposed Masonville DMCF. A transcript of this hearing is available in Appendix P.

The Management Committee meets quarterly and holds meetings at the World Trade Center in Baltimore, MD; the Association of Maryland Pilots in Baltimore, MD; and at the MPA Harbor Development Offices in Baltimore, MD. This committee met on the following dates and discussed either Harbor options or Masonville:

- January 10, 2001
- March 27, 2001
- May 9, 2001
- September 19, 2001
- September 29, 2001
- November 28, 2001
- January 16, 2002
- May 8, 2002
- May 22, 2002
- September 18, 2002
- November 8, 2002
- November 20, 2002
- February 26, 2003
- May 14, 2003
- November 5, 2003
- May 20, 2004
- December 2, 2004
- February 27, 2004
- May 20, 2004
- February 16, 2005
- May 18, 2005
- September 9, 2005
- November 22, 2005
- February 15, 2006
- May 17, 2006
- August 16, 2006
- November 15, 2006
- February 14, 2007
- March 16, 2007

The BEWG regularly holds monthly meetings at the MPA Harbor Development Offices in Baltimore, MD; the MES headquarters in Millersville, MD; the USACE - Baltimore District in Baltimore, MD; and at the USFWS Chesapeake Bay Field Office in Annapolis, MD. The BEWG met on the following dates and discussed either Harbor options or Masonville:

- March 18, 2002
- April 1, 2002
- April 3, 2002
- April 22, 2002
- June 17, 2002
- July 25, 2002
- August 21, 2002
- October 3, 2002
- January 28, 2003
- February 13, 2003
- March 5, 2003
- May 5, 2003
- July 1, 2003
- July 23, 2003
- August 5, 2003
- August 19, 2003
- September 9, 2003
- October 7, 2003
- November 4, 2003
- January 6, 2004
- March 2, 2004
- March 16, 2004
- April 6, 2004
- May 4, 2004
- June 8, 2004
- July 6, 2004

- September 7, 2004
- November 9, 2004
- January 4, 2005
- February 8, 2005
- March 8, 2005
- April 5, 2005
- June 7, 2005
- August 2, 2005
- September 6, 2005
- February 7, 2006
- March 7, 2006
- April 4, 2006
- June 6, 2006
- August 8, 2006
- September 12, 2006
- October 3, 2006
- November 14, 2006
- December 5, 2006

The Executive Committee meets as needed, but at least semiannually [Code of Maryland Regulations (COMAR) 5-1104.2 (c)], at the World Trade Center and at the USFWS Chesapeake Bay Field Office in Annapolis, MD. Executive Committee Meeting minutes are available from July 26, 2001 to September 22, 2005. Masonville and/or Baltimore Harbor placement options were discussed at the following meetings:

- December 5, 2002
- September 15, 2003
- September 21, 2004
- December 16, 2004
- September 22, 2005
- December 8, 2005
- September 6, 2006
- November 21, 2006

Meeting minutes from all noted Citizens' Advisory Committee, Management Committee, and BEWG meetings are available at the MPA Safe Passages website ([www.mpasafepassage.org](http://www.mpasafepassage.org)).

## **9.2 COMMUNITY AND AGENCY INVOLVEMENT**

MPA initiated efforts to include community representatives in the planning of the proposed facility along with engineering and environmental studies and planning. EcoLogix Group, an independent consultant versed in these issues, was retained to identify community leaders and assist in establishing a working group that could converse with the adjoining community, represent their desires, and provide consistency with existing land use plans. The specific charge of the Harbor Team was to identify sufficient dredged material management alternatives to manage 1.5 mcy annually of harbor dredged material for a 20 year period.

The resulting working group became known as the Harbor Team. Members of the Harbor Team include:

- Anne Arundel County Government
- Baltimore City Government
- Baltimore County Government
- Baltimore Development Corporation
- Baltimore Harbor Watershed Association

- Bethlehem Steel Corporation
- Brooklyn-Curtis Bay Coalition
- Cox Creek Citizens Committee
- Domino/The American Sugar Refining Company
- Dundalk Renaissance Corporation
- Greater Dundalk Alliance
- Greater Dundalk Community Council
- Living Classrooms Foundation
- Individuals from Marley Neck
- Association of Maryland Pilots
- National Aquarium in Baltimore
- North County Land Trust
- North Point Peninsula Community Council
- Patapsco and Back Rivers Tributary Team
- Rukert Terminals
- Turner Station Community
- W.R. Grace & Co.

The Harbor Team has discussed Masonville or Harbor Options leading up to the Masonville project at the following meetings:

- |                      |                      |
|----------------------|----------------------|
| • March 3, 2003      | • October 2, 2003    |
| • March 26, 2003     | • October 23, 2003   |
| • April 17, 2003     | • January 20, 2005   |
| • May 8, 2003        | • July 14, 2005      |
| • May 29, 2003       | • October 20, 2005   |
| • June 14, 2003      | • March 15, 2006     |
| • July 10, 2003      | • June 14, 2006      |
| • July 19, 2003      | • September 13, 2006 |
| • July 31, 2003      | • December 13, 2006  |
| • August 21, 2003    |                      |
| • September 11, 2003 |                      |

Meeting minutes are available for Harbor Team meetings from March 3, 2003 to September 13, 2006 at the MPA Safe Passages website ([www.mpasafepassage.org](http://www.mpasafepassage.org)). At the October 23, 2003 meeting, the Harbor Team recommended that the Masonville option be further studied along with associated community enhancement projects, some of which are included as mitigation in this document. The Harbor Team's Report can be found on the MPA Safe Passage website.

The Brooklyn-Curtis Bay Coalition (BCBC), which is one of the leading citizens' groups in the Masonville area, is represented on the Harbor Team. The Coalition assists in defining the parameters for a placement facility at Masonville that are acceptable and beneficial to the citizens in the surrounding communities. Baltimore City's Planning Department and the Baltimore Development Corporation are also represented on the Harbor Team and are providing valuable input on these issues.

Representatives of the MPA's Harbor Studies Design Team met with the DMMP groups (Section 9.1.2) during Harbor Team meetings and smaller meetings with individual stakeholders to further define the placement site and enhancements. The MPA is using these discussions to help determine the placement facility's footprint and for certain other design characteristics that are included in this EIS. Additionally, these discussions are helping the MPA identify the scope of the proposed enhancements and assist in finding potential funding sources for the work.

### **9.2.1 Issue Identification and Project Scoping**

Because the proposed Masonville DMCF is needed to accept harbor dredged material as the HMI DMCF closes, it became apparent in late 2004 that the MPA might have to move forward for permitting independent of the potential BP-Fairfield and Sparrows Point facilities. Consequently, formal public scoping began well after the initial screening and site selection. The MPA and its contractors met with the State Federal Joint Evaluation Committee in January 2005. In March 2005, the USACE – Baltimore District Regulatory Branch established that it would be the lead agency on the permitting efforts and the MPA met with USACE and MDE to establish a timeline. At that time, the schedule for site permitting was developed. This schedule has been revised and is listed below.

- |                                   |               |
|-----------------------------------|---------------|
| • Publish Notice of Intent        | 26 May 2005   |
| • Agency Pre-application Meeting  | 31 May 2005   |
| • Conduct Scoping Process         |               |
| ○ Public Meeting                  | 15 June 2005  |
| ○ Comments Due                    | 15 July 2005  |
| • Final EIS for Federal DMMP      | December 2005 |
| • Federal DMMP Record of Decision | August 2006   |
| • Draft EIS (DEIS)                | May 2006      |
| • DEIS/Permit Application         | May 2006      |
| • USACE/MDE Public Notice         | May 2006      |
| • USACE/MDE Joint Hearing         | June 2006     |
| • DEIS Supplement                 | June 2006     |
| • USACE/MDE Joint Hearing         | July 2006     |
| • Public Comment Due              | August 2006   |
| • Circulate Final EIS             | May 2007      |
| • File FEIS with USEPA            | May 2007      |
| • Record of Decision              | July 2007     |
| • Permit Decision                 | August 2007   |

The Notice of Intent (NOI) was published in the Federal register on May 26, 2005 and went out to the USACE agency distribution list as well as the Harbor Team and DMMP distribution lists. The public scoping meeting was conducted at the Harbor Hospital in Baltimore Maryland on 15 June 2005 (Appendix P). This meeting was the result of the publication of the NOI. Notices were sent to interested parties and advertisements were placed in the newspaper. The public comment period closed on 15 July 2005. Comments received during that period are included in Appendix P.

The Notice of Availability (NOA) for the DEIS was published in the Federal Register on May 19, 2006. This document was distributed to those agencies and individuals listed in Chapter 11 plus additional citizens who have not been listed in Chapter 11 for privacy reasons. The USACE/MDE joint public hearing was held on Wednesday June 21, 2006 at the Harbor Hospital. The DEIS Supplement, issued to address the availability of the Seagirt borrow material (Section 3.9), was published in the Federal Register on June 30, 2006. This supplement was distributed to the same agencies and individuals as the DEIS. Due to the issuance of the supplement to the DEIS, the public comment period was extended and closed on August 17, 2006. Comments received on the DEIS and the proposed project during that period are included in Appendix Q.

### **9.2.2 Coordination with the Joint Evaluation Committee**

As part of the ongoing scoping and coordination, the MPA has met with the JE formally and informally since January 2005. The initial meetings were to introduce the group to the project and identify study needs. Subsequent meetings have focused on mitigation needs and options for the wetlands impacts of the proposed project. Meeting dates were as follows:

- 26 January 2005
- 31 May 2005
- 31 August 2005
- 25 January 2006
- 10 Feb 2006
- 16 February 2006
- 22 February 2006
- 2 March 2006
- 30 August 2006
- 27 September 2006
- 25 October 2006
- 29 November 2006

In addition, project coordination and mitigation discussions have also occurred at BEWG meetings in summer and fall 2005.

### **9.2.3 Agency Coordination**

Agency comments have been requested on multiple occasions throughout the screening process. Formally, the Notice of Intent, DEIS, and DEIS Supplement were mailed to federal, state, and local agencies and organizations. These agencies and organizations are listed in Chapter 11.

Following the public scoping meeting, the USACE – Baltimore District Regulatory Branch was consulted regarding the need for formal resource agency consultations during the DEIS development. The USACE – Baltimore District indicated that because the JE and other resource agencies would be given the opportunity to formally comment on the permit application, only informal consultations would be required to confirm the status of key resources.

The SHPO was consulted and their response is included in Appendix O. Fort McHenry is a historical and cultural resource located within 1 mile of the proposed Masonville site. Coordination with the National Park Service (NPS) and Fort McHenry was completed through letter between the USACE and Dr. Dixie Henry at MHT. Dr. Henry stated that the NPS had no concerns (Appendix O). Jon Romeo from the USACE contacted Susan Langley of the MHT regarding the additional depth in the Seagirt Area and she indicated that the MHT had no objections to the additional dredging depth. In addition, USFWS, NMFS, and Maryland DNR



(Natural Heritage) were consulted informally on the status of rare, threatened, and endangered (RTE) species for the site. Copies and responses of those letters are included in Appendix O. A Section 7 Consultation was requested by NMFS for shortnose sturgeon, sea turtles, and large whales and is included in Appendix D. An Essential Fish Habitat (EFH) assessment was prepared for the NMFS; this is included in Appendix D.

The Critical Area Commission for the Chesapeake and Atlantic Coastal Bays was consulted on access to and cleanup of Masonville Cove and members of that agency visited the site in September 2005. Meetings with the Critical Area Commission were held on September 25, 2006, December 6, 2006, February 2, 2007, and March 7, 2007.

The USEPA and MDE have been consulted regarding the Federal Conformity process for this project. Coordination with these agencies is ongoing. The Federal Conformity Analysis is included in Appendix K.

#### **9.2.4 Other Coordination and Agency Responses**

Throughout the screening and mitigation development process, informal consultations by the MPA have been ongoing with various resource agencies and citizen's groups. These agencies and groups are described in more detail below and include the BCBC, the Maryland DNR, the MDE, the NMFS, the USFWS, the Baltimore City Department of Planning, the National Park Service (NPS), the U.S. Coast Guard, Patapsco Riverkeeper, the Chesapeake Bay Foundation, the Community of Curtis Bay Association, the Concerned Citizens for a Better Brooklyn, and the South Baltimore Business Alliance.

##### **9.2.4.1 Brooklyn-Curtis Bay Coalition (BCBC)**

The MPA and/or their representatives have had at least 15 formal group meetings with the BCBC since May 2004 to discuss the proposed Masonville DMCF and Masonville Cove mitigation issues. The BCBC indicated that it wanted mitigation options that provided use of the Cove for bird watching, environmental education and passive recreation. The BCBC also requested enhancement of existing wetlands and other habitat areas, wetland and fringe marsh creation, and debris removal. As a result of these meetings, several of the pre-feasibility alignments were eliminated and additional feasibility-level alignments were proposed. Several requests were submitted to the MPA for consideration on its list of mitigation projects.

A meeting with the BCBC and Baltimore City to discuss the EIS was held on April 13, 2006. On May 9, 2006, a meeting was held to discuss the Masonville community enhancement projects. On July 19, 2006, the MPA met with representatives from the BCBC and other groups and agencies to discuss issues and comments that arose from the June 21 Public Hearing. A representative of the BCBC met with Maryland Environmental Trust (MET), the Living Classrooms Foundation, and the MPA and their representatives on July 24, 2006.

Richard Anderson, president of the Brooklyn Curtis Bay Coalition, made a statement at the June 21<sup>st</sup> public hearing indicating the support of the BCBC for the Masonville project. The BCBC sees the Masonville project as vital to reaching some of the goals of their Strategic

Neighborhood Action Plan, which is to build a bridge between industries and then also expand the area in the Masonville Cove as a nature center.” Mr. Anderson also indicated that they see the project as “a vital economic recovery” in the area. The BCBC supports the creation of an oversight committee. A transcript of the public hearing is available in Appendix Q.

Carol Eschelmann, a member of the Brooklyn Curtis Bay Coalition, made a statement at the July 31, 2006 public hearing. She also submitted her testimony from that date to the USACE. The transcript of the hearing can be found in Appendix Q and her submission is available in Appendix Q. Her statement requested the consideration of additional mitigation, the creation of a pedestrian access route that connects the “gateway project” and Masonville Cove, and long-term funding of the nature center and its programs in the amount of \$150,000 to \$200,000 per year. She also emphasized the importance of the conservation easement to protect mitigation sites and indicated that interactions between the MPA and citizens should be maintained.

Meetings to discuss the community enhancement projects associated with the proposed Masonville DMCF project were held on October 6, 2006 and November 6, 2006. A meeting with the BCBC and other appropriate parties was held on January 29, 2007 to discuss the creation of a land trust to hold the conservation easement on Masonville Cove. Meetings regarding the green building design were held on March 20, 2007; July 19, 2006; December 19, 2006; January 18, 2007; and April 4, 2007.

Other coordination by the MPA and their representatives included frequent emails, telephone calls and meetings with the BCBC’s leadership and staff beginning in March 2004. During these numerous contacts, the projects identified above were discussed in greater detail to ensure that community visions and goals were conveyed to MPA for consideration and that all community questions were answered.

#### **9.2.4.2 Maryland Department of Natural Resources (DNR)**

The MPA and their representatives have had two meetings with the Maryland DNR since June 1, 2005 to discuss fish and eel stocking options as mitigation projects for Masonville. The Maryland DNR indicated that stocking shad and herring and/or American eels in the Patapsco River could provide significant benefits to Patapsco River populations. As a result of the meetings and numerous telephone conversations and emails, the Maryland DNR submitted proposals for a shad and herring stocking project and for an American eel stocking project to be considered for the Masonville mitigation package.

Other coordination included a letter from the Wildlife and Heritage Service that “determined that there are no State or Federal records for rare, threatened or endangered species within the boundaries of the project site as delineated.” No comments or requirements were given in the 14 October 2005 letter. The letter can be found in Appendix O. Comments on the DEIS were received in a letter dated August 10, 2006, which can be found with the DEIS Comments in Appendix Q. These comments requested 1) time of year restrictions for anadromous fish from February 15<sup>th</sup> to June 15<sup>th</sup>, 2) that the MPA coordinate with the Critical Area Commission, 3) that the MPA be aware that the bald eagle may re-nest in the vicinity of Masonville and that if it does so there may be time of year restrictions, 4) encourages the pursuit of innovative reuse

options, and 5) that they look forward to continued discussion regarding the proposed mitigation package.

Coordination with the Critical Area Commission was conducted on September 29, 2006; December 6, 2006; February 2, 2007; and March 7, 2007 and is described further in Section 9.2.3.

#### **9.2.4.3 Maryland Department of the Environment (MDE)**

MPA and their representatives have had three meetings with the MDE since August 2005 to discuss the remediation of the derelict vessels, demolition of deteriorating piers, and construction of the DMCF (August 23, 2005; August 31, 2005; September 21, 2005). One meeting was held with the MDE to discuss mitigation issues and project schedule mile stones on January 13, 2006. Additional informal meetings are anticipated to exchange information needed by MPA to develop a detailed workplan for these activities. Since October 2005, MDE Water Management staffs have been consulted continuously during EIS development and have attended multiple meetings with the Corps and the applicant.

Other coordination included background phone calls beginning in August 2005 with various MDE staff to provide information on the derelict vessels and identify the issues that needed to be resolved. Two informal meetings were held with the MDE Waste Management Administration related to management and disposition of the derelict vessels and the former Kurt Iron and Metal (KIM) site. These occurred on September 8 and September 21, 2005. MDE submitted comments on the DEIS through the Maryland Department of Planning (Appendix Q). These comments were a reminder of COMAR 26.11.06.03D, which pertains to “Particulate Matter from Materials Handling and Construction.” Responses to these comments can be found in the comment response table in Appendix Q. The derelict vessel remediation was also discussed with MDE on November 15, 2006.

The MDE also commented on the Federal Conformity analysis. The analysis was revised in response to comments from the MDE. The comment letter discussing the air conformity analysis can be found in Appendix O. The revised Federal Conformity Analysis can be found in Appendix K. Meetings with MDE regarding the project related emissions and the General Conformity rule were held on March 27, 2006, May 15, 2006, and February 9, 2007. Additional correspondence between MDE and the USACE regarding emissions can be found in Appendix K and Appendix O.

MDE submitted a letter with comments on February 21, 2007 (Appendix O). These comments were regarding dike construction, geotechnical suitability of material, and water quality. A meeting was held on March 27, 2007 to discuss MDE’s concerns. Read-ahead and presentation materials as well as meeting minutes from this meeting are available in Appendix O. Correspondence received following this meeting is also included in Appendix O.

#### **9.2.4.4 National Marine Fisheries Service (NMFS)**

Informal consultation with the NMFS by the MPA (and their representatives) as well as the USACE resulted in a request for a Section 7(a)(2) consultation for shortnose sturgeon, sea turtles, and large listed whales. The letters from the NMFS can be found in Appendix O. The USACE - Baltimore District is continuing to coordinate with the NMFS and has prepared and sent a biological assessment for the species of concern (Appendix D).

An essential fish habitat (EFH) assessment has also requested by the NMFS. It has been completed and sent by the USACE to NMFS for consideration. The EFH assessment is included in Appendix D.

There have been two conversations with John Nichols at NMFS regarding TOY restrictions on June 28, 2006 and July 28, 2006. Comments on the DEIS and concurrence with the endangered species assessment from NMFS Northeast Region Headquarters were received in a letter dated July 28, 2006 (Appendix Q). These comments indicated concurrence with the Endangered Species Assessment (Appendix D and Appendix Q). The comments also noted that the USACE should coordinate with the NMFS regarding the end use of the site if the site is developed after the closure of the DMCF. Comments from the NMFS Chesapeake Bay Program Office were received in a memorandum dated August 17, 2006 (Appendix Q). This memorandum commented on 1) short-term construction impacts, 2) long-term DMCF impacts on hydrologic regime and sediment-deposition, 3) the compensatory mitigation package, 4) EFH, and 5) long-term cumulative impacts of the MPA's Baltimore Harbor dredging/disposal operations on the tidal Patapsco River. Responses to these comments can be found in the comment response table in Appendix Q.

#### **9.2.4.5 U.S. Fish and Wildlife Service (USFWS)**

An informal consultation letter was sent to USFWS September 9, 2005 and a response dated December 8, 2005 was received. The USFWS noted that there were bald eagles in the area and that a Section 7 consultation may be required depending on the location of development. Coordination with the USFWS is ongoing; the initial USFWS response letter is included in Appendix O. A second coordination letter was prepared and sent on May 2, 2006. Information from Maryland DNR indicated that the bald eagle nest tree had fallen and that no new bald eagle nests had been built in the area (E-mails from Glenn Therres March and April 2006, Appendix O).

The USFWS sent comments on the DEIS in a letter dated August 8, 2006 (Appendix Q). These comments recommended that the USACE not issue a permit for the proposed Masonville DMCF because of non-water dependency and lack of adequate mitigation. Mitigation coordination with the JE, which includes the USFWS is ongoing. This letter also stated that should the permit be issued and the DMCF be constructed that additional funding be allocated by MPA for beneficial reuse options. A response to this letter can be found in the comment response table in Appendix Q. The EIS has been revised, as appropriate, to address the comments made by USFWS, as described in Appendix Q.

#### **9.2.4.6 Baltimore City Department of Planning**

There have been at least five meetings with the Baltimore City Department of Planning to discuss the Masonville DMCF and the Masonville Cove mitigation projects beginning in May 2004. The Planning Department requested information on the hydrodynamic impacts that would result from construction of the DMCF. During these meetings, the Department also commented on the mitigation projects. The outcome of the meetings was that the City generally supported the Masonville Cove mitigation projects and submitted additional projects for consideration. A meeting involving Baltimore City Department of Planning was held on April 13, 2006 and included BCBC, Baltimore City Department of Law, the Baltimore Development Corporation, and MPA consultants. Another meeting was held on March 28 with MPA, City Planning and Baltimore City Department of Public Works was held on mitigation project implementation and maintenance.

Other coordination included numerous emails and phone calls to provide further details on the issues listed above. The Baltimore City Department of Planning submitted comments on the DEIS in a letter that is dated. These comments dealt with the proposed mitigation package and suggested additional sites for inclusion in the mitigation package. This letter is available in Appendix Q and a response to the comments in this letter is available in the comment response table in Appendix Q.

#### **9.2.4.7 National Park Service (NPS)**

There was one meeting in February 2005 with the NPS at Fort McHenry to discuss the Masonville project and its potential impact to the views from Fort McHenry. Park Service staff indicated that the Service was aware of the project and wanted to receive status reports. The Service also offered to assist in any wetland enhancements or creation efforts based on its experience with the Fort McHenry wetlands restoration projects. A response from Dixie Henry at the MHT dated May 30, 2006 indicated that the NPS had no concerns with the proposed project. The MHT had communicated with Anna VanLunt at NPS on May 30, 2006.

Other coordination included phone calls and emails conveying follow up information in October 2005.

#### **9.2.4.8 Patapsco Riverkeeper**

There were three meetings with the Executive Director of the Patapsco Riverkeeper beginning in June 2005 to discuss the Masonville DMCF and Masonville Cove mitigation projects. The Riverkeeper indicated interest in the hydrodynamic impact of the proposed Masonville DMCF and sediment remediation in the Middle Branch of the Patapsco River, as well as general support for the Cove enhancement projects. The Executive Director also indicated that she wanted to receive project status updates.

Other coordination included emails on these issues.

#### **9.2.4.9 Chesapeake Bay Foundation**

There were two meetings with the Chesapeake Bay Foundation beginning in April 2005 to discuss the proposed Masonville DMCF, Masonville Cove mitigation projects and other DMMP issues (Appendix P). The Chesapeake Bay Foundation expressed general environmental concerns relating to the Bear Creek sediment contamination and requested status updates on all of the DMMP projects.

Other coordination included emails and phone calls on these issues.

#### **9.2.4.10 Community of Curtis Bay Association**

There have been at least two meetings with the Community of Curtis Bay Association beginning in August 2005 to discuss the Harbor Team process, proposed Masonville DMCF and Masonville Cove mitigation projects (Appendix P). The Association suggested that there would be security needed if the Cove became a public park and raised the question of potential leaching of contaminants from the DMCF but generally expressed no objection to the project. Efforts to minimize any potential leaching of contaminants have been integrated into the project (Chapters 5 and 7). The most recent meetings occurred on May 11, 2006 when the MPA made a presentation to the Association.

Other coordination included emails and phone calls on these issues. An email was sent by the Community of Curtis Bay Association President Linda Bardo to MPA Consultants on June 20, 2006 that expressed support for the CCBB comments to be presented at the June 21, 2006 public hearing.

#### **9.2.4.11 Concerned Citizens for a Better Brooklyn**

There have been at least four meetings with the Concerned Citizens for a Better Brooklyn (CCBB) group or representatives since August 2005 to discuss the Harbor Team process, proposed Masonville DMCF, and Masonville Cove mitigation projects (Appendix P). Some of these meetings included May 31, 2006 when the MPA made a presentation to the CCBB and answered questions about the Masonville project, June 28, 2006 when an MPA consultant met with the CCBB to follow up on the issues raised at the June 21, 2006 public hearing, July 10, 2006 when an MPA consultant met with a representative to provide additional background information on Masonville issues, and July 19, 2006 when the MPA met with CCBB and BCBC to discuss Masonville issues raised at the June 21, 2006 public hearing.

David Manoogian, member-at-large for the CCBB, made a statement at the July 31, 2006 public hearing and the transcript of this hearing is available in Appendix P. Rose Bowen, member of the CCBB, also made a statement at this meeting. Mr. Manoogian also submitted a letter dated August 16, 2006 and a copy of this letter is available in Appendix Q.

Other coordination included emails and phone calls on these issues. Emails included an email from the president of the CCBB with comments, questions, and requests relating to the Masonville project on June 7, 2006 with a response from an MPA consultant on June 19, 2006.

Another email forwarding CCBB member requests regarding community enhancements at Masonville Cove was sent to an MPA consultant on June 26, 2006.

CCBB has been involved in the green building design process for the Masonville Cove nature center. Meetings to discuss this were held on March 20, 2006; July 19, 2006; December 19, 2006; January 18, 2007; and April 4, 2007.

#### **9.2.4.12 South Baltimore Business Alliance**

There was one meeting with the South Baltimore Business Alliance in February 2005 to discuss the Harbor Team process, Masonville DMCF and Masonville Cove mitigation projects (Appendix P).

Other coordination included emails and phone calls on these issues.

#### **9.2.4.13 National Aquarium in Baltimore**

There were meetings on January 9, 2006 and March 20, 2006 with the National Aquarium in Baltimore and others to discuss the proposed environmental education programs and facilities as part of the Masonville Cove mitigation package. Glenn Page, Conservation Director of the National Aquarium, had a comment read at the public hearing on June 21, 2006. Mr. Page stated that the Aquarium supports further use of the Harbor Team process, that the Aquarium sees the Masonville Cove projects as another essential link in providing communities with connection to the water and natural resources, and that the Aquarium is ready and willing to assist the community in realizing their dreams for the Masonville Cove site.

#### **9.2.4.14 The Living Classrooms Foundation**

There were meetings held on January 9, 2006, March 20, 2006, May 9, 2006, July 19, 2006, July 24, 2006, November 6, 2006, December 19, 2006, January 5, 2007, January 18, 2007, January 29, 2007, and April 4, 2007 with the Living Classrooms Foundation at Baltimore and others to discuss the proposed environmental education programs and facilities as part of the Masonville Cove mitigation package. Scott Raymond, Vice-President of the Living Classrooms Foundation, gave a statement at the Public Hearing on June 21, 2006. His statement indicated that the Living Classrooms Foundation supports the Masonville Project and that this project has the potential to improve the environment while involving local schools and children.

#### **9.2.4.15 Chesapeake Center for Youth Development**

There was a meeting on January 9, 2006 with the Chesapeake Center for Youth Development and others to discuss the proposed environmental education programs and facilities as part of the Masonville Cove mitigation package. Ivan Leshinsky with the Chesapeake Center of Youth Development gave a statement at the June 21, 2006 Public Hearing. His statement indicated that he and the Center felt that the project was something that would enhance educational and recreational opportunities to the community. His statement also indicated that it was important that the area be made as “accessible as possible to pedestrians.”

#### **9.2.4.16 Maryland Environmental Trust (MET)**

There were meetings with the MET, the BCBC, and other interested parties on January 26, 2006, July 24, 2006 and January 29, 2007 to discuss the conservation easement requirements, which would be part of the proposed mitigation package.

#### **9.2.4.17 Baltimore Harbor Watershed Association (BHWA)**

There was a meeting with the BHWA on February 16, 2006 to present and discuss the proposed Masonville project and mitigation.

#### **9.2.4.18 Maryland Historic Trust (MHT)**

The State Historic Preservation Officer was consulted several times in 2004 and 2005 during the initial cultural resource studies conducted for the project (Section 2.2). The USACE also sent a coordination letter to the MHT on May 2, 2006 (Appendix O). In a letter dated May 30, 2006, the MHT indicated that they had no comment on the proposed project and that there are no historic properties affected by the proposed project (Appendix Q).

#### **9.2.4.19 Baltimore City Department of Law**

The Baltimore City Department of Law was in attendance at a meeting to discuss the proposed Masonville DMCF EIS on April 13, 2006. Also in attendance were the BCBC, Baltimore City Department of Planning, and the Baltimore Development Corporation.

#### **9.2.4.20 Baltimore Development Corporation**

The Baltimore Development Corporation was in attendance at a meeting to discuss the proposed Masonville DMCF EIS on April 13, 2006. Also in attendance were the BCBC, the Baltimore City Department of Planning, and the Baltimore City Department of Law.

#### **9.2.4.21 United States Environmental Protection Agency (USEPA)**

The USEPA submitted comments on the DEIS in a letter dated August 16, 2006 (Appendix Q). These comments indicated that the USEPA rated the EIS “EC” meaning there were environmental concerns about the project, with the exception of the no action alternative which received a rating of “LO” meaning lack of objections, and “2,” which indicates insufficient information in the DEIS. The EPA wanted the opportunity to review the Section 404 evaluation and the Federal Conformity Analysis, and these items were sent for their review and comment on September 27, 2006. The USEPA also had concerns about the environmental impacts, the mitigation package and long-term maintenance of the mitigation sites, and cumulative impacts to the Patapsco River. The comment letter emphasized the need to further pursue innovative reuse options.



The USEPA was involved in a meeting (conference call) with the MPA, USACE, and MDE to discuss the project related emissions and mitigation required under the General Conformity Rule of the Clean Air Act was held on March 9, 2007.

#### **9.2.4.22 U.S. Coast Guard**

Correspondence was received indicating that the U.S. Coast Guard would be completing an initial risk assessment. This assessment was completed and the results of this assessment were received in a memorandum dated August 10, 2006. The letter states that the proposed Masonville DMCF project has little potential to increase risk to the waterway if it is implemented. This risk assessment indicated that the most likely mishaps to occur were allision, collision, and grounding. Mitigating factors were described in a separate letter dated August 21, 2006. Correspondence with the U.S. Coast Guard is available in Appendix Q.

#### **9.2.4.23 Baltimore City Department of Water, Wastewater, and Department of Public Works**

The MPA met with Opinder Singh of the City Bureau of Water and Wastewater on July 15, 2004 to discuss the proposed Masonville DMCF project and its potential impact on the City water main and storm drain. The MPA further notified the City Department of Public Works via letter dated September 7, 2004 regarding plans for the DMCF which could affect the City 48-inch water main and City storm drain. Jaswant Dhupar of the Water and Wastewater Engineering Division responded on October 18, 2004 regarding the City's concerns about the water main. Subsequent meetings were held on February 1, 2005 with Mr. Singh and Tejpal Ahuja, on several other occasions in 2005, in August 2006, on October 20, 2006, and most recently with Mr. Singh and Mr. Ahuja, as well as with Bureau Head Jay Sakai and DPW Director George Winfield on January 8, 2007. During these meetings, engineering details of the proposed water main and storm drain relocation were shared and reviewed with the City and its contractors, and the City has indicated its preferences regarding engineering solutions to the outstanding issues.

#### **9.2.4.24 Maryland Department of Planning, State Clearing House**

The Maryland Department of Planning sent a letter forwarding comments from the Baltimore City Department of Planning Department of Planning regarding the watermain and storm drain relocation on June 29, 2006. The Maryland Department of Planning sent a letter dated August 4, 2006 indicating who they had solicited comments from and who had responded; comments from those who had responded were attached. These respondents were the Baltimore City department of Planning; MDE; Maryland Departments of Agriculture, Transportation, and General Services; Maryland Environmental Service, Maryland Historic Trust.

#### **9.2.4.25 Maryland Historic Trust**

The Maryland Historic Trust (MHT) commented on the DEIS and indicated that there were no objections to the proposed project. Communication with the MHT on November 29, 2006 indicated that the MHT had no objections to the additional dredging for borrow material within the Seagirt dredging area.

### **9.3 PRELIMINARY DRAFT EIS AGENCY REVIEW**

On March 17, 2006, a read ahead version of this draft EIS was provided to the NMFS, USFWS, US EPA Region 3, several departments within MDE and MDNR, and Baltimore City Department of Planning. The comments received are included in Appendix O. Responses have been prepared and are also included in the Appendix O. To the extent possible, all comments were addressed prior to the issuance of the DEIS, unless noted in the comment-response table.

### **9.4 PUBLIC COMMENT PERIOD ON THE DEIS**

The proposed Masonville DMCF DEIS was released for public comment on Friday May 19, 2006 and was initially available for comment through July 7, 2006. The Federal Register listing for the DEIS is available in Appendix P. A supplement to the DEIS was released on Friday June 30, 2006, which extended the public comment period through August 17, 2006. The Federal Register listing for the DEIS Supplement is available for Appendix P. A public hearing for the DEIS was held on June 21, 2006 and was held in the Baum Auditorium of the Harbor Hospital in Baltimore, Maryland. A public hearing for the DEIS supplement was held on July 31, 2006 in the St. John Lutheran Church in Baltimore, Maryland. Transcripts from these hearings and advertisements for these meetings are available in Appendix P.

Comments received during the public comment period are located in Appendix Q. All comments made during the public hearings are found in the transcripts within Appendix P. Comments obtained during the public comment period have been summarized and placed in a comment-response table located in Appendix Q. All comments received during the public comment period have been considered. A response to each comment can be found in the comment-response table.

### **9.5 OVERSIGHT COMMITTEE**

Public comments received during the public comment period indicated that the citizens from Brooklyn and adjacent areas advocated the creation of an oversight committee, similar to the one created for the Cox Creek and HMI DMCFs. The MPA supports the creation of an oversight committee and is working with the Maryland Legislature to support legislation that would authorize and define an oversight committee, which includes citizens from Brooklyn, for the proposed Masonville DMCF. It is MPA's intention to provide the proposed Masonville Oversight Committee with all discharge monitoring and sampling information and to consult with them on long term operational decisions using the other oversight committees as models. The MPA would also provide the necessary administrative support for an oversight committee.